IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bartley, *et al.*	Docket No.:	ROC920010184US1
Serial No.:	09/892,435	Group Art Unit:	2143
Filed:	6/27/2001	Examiner:	Bilgrami, Asghar H.

TITLE: Apparatus, Method, And Business Method For Enabling Customer Access To Computer System Execution Data In Exchange For Sharing The Execution Data

APPEAL BRIEF

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This appeal is taken from the Examiner's final rejection, set forth in the Office Action dated 11/18/05. Applicants' Notice of Appeal under 37 C.F.R. § 1.191 was mailed on 2/16/2006.

REAL PARTY IN INTEREST

International Business Machines Corporation is the Real Party in Interest.

RELATED APPEALS AND INTERFERENCES

A related application, serial number 09/892,424 is pending on appeal. There are no other related appeals or interferences for this patent application.

STATUS OF CLAIMS

Claims 1-29 were originally filed in this patent application. In the responses to the Examiner's rejections no amendments were made to the claims. Claims 1-29 as originally filed are currently pending.

STATUS OF AMENDMENTS

In response to a first office action dated 9/13/04 a request for reconsideration was filed on 12/13/2004. In response to a second office action dated 5/23/2005 a second request for reconsideration as filed on 8/22/2005. After the final rejection dated 11/18/2005, a Notice of Appeal was timely filed on 2/16/2006, and this Appeal Brief is also being timely filed. None of the claims have been amended. Therefore, the claims at issue in this appeal are claims 1-29 as originally filed.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 recites a computer system with an execution data collection mechanism (Figure 1, 150) residing in memory that collects execution data (Figure 1, 152) of the computer system (Figure 1, 120), an execution data transmission mechanism (Figure 1, 170) that when enabled transmits execution data to another computer system, and an execution data access mechanism (Figure 1, 160) that allows access to the execution data by a user of the computer system only if the transmission mechanism is enabled (page 7, lines 14-18).

Claim 6 recites a networked computer system (Figure 1, 100) comprising a first computer system (Figure 1, 110) and a second computer system (Figure 1, 120) comprising an execution data collection mechanism (Figure 1, 150) residing in memory that collects execution data (Figure 1, 152) of the computer system (Figure 1, 120), an

execution data transmission mechanism (Figure 1, 170) that when enabled transmits execution data to another computer system, and an execution data access mechanism (Figure 1, 160) that allows access to the execution data by a user of the computer system only if the transmission mechanism is enabled (page 7, lines 14-18).

Claim 11 recites a method for a user of a second computer system (Figure 1, 120) to access execution data collected by the second computer system (Figure 1, 110). The steps include the second computer collecting execution data (Figure 3, 310) of the computer system, determining whether the transmission of the execution data to another computer system is enabled (Figure 3, 330), and allowing access to the execution data by a user of the computer system if the transmission is enabled (Figure 3, 340), and not allowing access to the data if the transmission of the execution data is not enabled (Figure 3, 350; page 12, lines 1-9).

Claim 12 recites a method for a first computer (Figure 1, 110) to collect execution data from a second computer system (Figure 1, 120). The steps include the second computer collecting execution data (Figure 3, 310) of the computer system, determining whether the transmission of the execution data to another computer system is enabled (Figure 3, 330), and allowing access to the execution data by a user of the computer system if the transmission is enabled (Figure 3, 340), and not allowing access to the data if the transmission of the execution data is not enabled (Figure 3, 350; page 12, lines 1-9).

Claim 13 recites a method for a user of a second computer (Figure 1, 120) to access execution data from the second computer system (Figure 1, 120). The steps include the second computer collecting execution data (Figure 4, 410) of the computer system, and allowing the user to access a limited portion of the execution data (Figure 4, 412=yes, 440). And if the user requests to access more than a limited portion of the execution data (Figure 4, 420=yes), determining whether the transmission of the execution data to another computer system is enabled (Figure 4, 430), and allowing

access to the execution data by a user of the computer system if the transmission is enabled (Figure 4, 440), and not allowing access to the data if the transmission of the execution data is not enabled (Figure 4, 450; page 12, lines 1-9).

Claim 14 recites a method for a first computer (Figure 1, 110) to collect execution data from a second computer system (Figure 1, 120). The steps include the second computer collecting execution data (Figure 4, 410) of the computer system, and allowing the user to access a limited portion of the execution data (Figure 4, 412=yes, 440). And if the user requests to access more than a limited portion of the execution data (Figure 4, 420=yes), determining whether the transmission of the execution data to another computer system is enabled (Figure 4, 430), and allowing access to the execution data by a user of the computer system if the transmission is enabled (Figure 4, 440), and not allowing access to the data if the transmission of the execution data is not enabled (Figure 4, 450; page 12, lines 1-9).

Claim 15 recites a method for doing business (page 12, line 23 through page 13, line 22). The steps include offering the customer the ability to access execution data gathered by a customer computer in exchange for the customer's sharing of the execution data (Figure 5, 520). If the customer does not accept the offer, then disabling access to the execution data on the customer's computer (Figure 5, 540), and if the customer accepts then enabling access to the execution data by the customer (Figure 5, 550).

Claim 18 recites a program product with an execution data collection mechanism (Figure 1, 150) residing in memory that collects execution data (Figure 1, 152) of the computer system (Figure 1, 120), an execution data transmission mechanism (Figure 1, 170) that when enabled transmits execution data to another computer system, and an execution data access mechanism (Figure 1, 160) that allows access to the execution data by a user of the computer system only if the transmission mechanism is enabled (page 7, lines 14-18).

Claim 24 recites a program product comprising an operating system that comprises an execution data collection mechanism (Figure 1, 150) residing in memory that collects execution data of the computer system (Figure 1, 120), an execution data transmission mechanism (Figure 1, 170) that when enabled transmits execution data to another computer system, and an execution data access mechanism (Figure 1, 160) that allows access to the execution data by a user of the computer system only if the transmission mechanism is enabled (page 7, lines 14-18).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following single ground of rejection is presented for review on this Appeal:

1. **Whether claims 1-29 are unpatentable under 35 U.S.C. §103(a) over Mikami (5,704,031) in view of Day (U.S. Pub No. 2002/0147757 A1).**

ARGUMENT

Issue 1: Whether claims 1-29 are unpatentable under 35 U.S.C. §103(a) over Mikami (5,704,031) in view of Day (U.S. Pub No. 2002/0147757 A1).

Applicants traverse the Examiner's characterization of the cited art and the finding of obviousness. The cited art individually or in combination does not teach or suggest the claimed invention. Applicants believe the claims as filed are in condition for allowance and respectfully request the Examiner's rejection be reversed.

Mikami teaches a method of performing self diagnosis on a client node in a computer system. Mikami was used for the general concept of collecting execution data. Day teaches a method of context sensitive help in a thin-client computer system. Day teaches a well known concept that access privileges can be set up to preclude a given user from accessing data that is under the domain of another user.

Claims 1, 2, 6, 7, 11, 18-20, and 24-26

For the claim limitation "the execution data access mechanism allowing access to the execution data by the user of the computer system only if the execution data transmission mechanism is enabled," the Examiner cited Day, paragraphs 37 and 47. Applicants have not found anything in the cited section, or in Day in general to support the Examiner's rejection. Day simply does not teach this limitation. So even if Day is combined with Mikami, the combination does not teach or suggest the invention in claim 1.

Day does not teach or suggest allowing access to the execution data by the user **only if** the execution data transmission mechanism is enabled. Day teaches that a client server can communicate by means of requests and/or responses. The cited sections of Day teach access privileges that allow a user from one company to access only that data from another company's data set which has been enabled for directed access. A combination of Day and Mikami would perhaps teach that access privileges to execution data could be setup to allow one or more specific users to access the data. But Day or the combination does not teach or suggest anything about the specific kinds of communication in claims 1 and 6. Day or the combination does not teach or suggest allowing access to the execution data by the user **only if** the execution data transmission mechanism is enabled. There is no discussion concerning conditional access depending on enablement of the transmission mechanism that transmits the performance data. The relationship of access and transmission of execution data is not taught by the cited art. Specifically, the access to execution data by a computer user of the computer that is collecting the execution data only if transmission of the execution data to another computer is enabled is not taught by the cited art.

Even after further request, the Examiner has failed to point out where Day or the combination suggests the feature of allowing access to the execution data by the user **only if** the execution data transmission mechanism is enabled. No only does the cited art not teach the limitation, but the Examiner's rejection language concerning Day still does not address or use the term "only if the data transmission mechanism is enabled". In the response to arguments section in the third office action, the Examiner cites Day apparently for the limitation of conditional access, but does not use or address the specific claim language. The Examiner states that Day describes "that one company can access only the data from another company, which has been enabled for directed access (page 5, paragraph 47)". While this appears to be a correct description of Day, it does not teach or suggest "allowing access to the execution data by the user **only if** the execution data transmission mechanism is enabled". The Examiner has failed to establish a prima facie

case. The access that is enabled in the cited section of Day is for a user to access the data of another company, if that data is enabled for access.

In contrast to Day, in the claimed invention, the user is able to access the performance data only if the transmission mechanism is enabled to send the performance data to another entity. In the claim, the term "enabled" modifies the term "transmission mechanism". Access to performance data is given to the computer user of the system collecting the performance data only if the transmission mechanism is enabled to send the execution data to another computer. Enabling in the claims is not in the same manner as in Day. In the cited section of Day, there is no transmission mechanism that is being enabled that in turn allows access to the performance data by a user of the computer that collects the data. As stated by the Examiner, in Day, access to data is allowed when the data is enabled. The only condition of access is that the data has been enabled for directed access. Day does note teach or suggest the additional limitation of the circumstances under which access to the data is enabled. Day does note teach or suggest to allow access to the data when the transmission mechanism is enabled.

There is yet another problem with the Examiner's rejection based on the cited art. In the claimed invention, the user that has access to the data when the data is enabled is not the same in cited art as in the claims. In the combination of Day and Mikami, a user of a remote computer has access to data on the computer collecting the data when the data is enabled. In contrast, in the invention of claim 1, access to performance data is given to the computer user of the system collecting the performance data only if the transmission mechanism is enabled to send the execution data to another computer. The user of the computer system collecting the data is given conditional access to the data - only if the data transmission mechanism is enabled to send the execution data to another computer. While the execution data is also sent to another computer as would be the case in Day, the access by the user in claim 1 includes conditional access by the user of the computer collecting the execution data. This relationship of the user that has access to the data

depending on the enabled transmission mechanism is not taught or suggested by the cited art.

Further, even if Day teaches the above as suggested by the Examiner, there is no motivation to combine it with Mikami. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) The Examiner's apparent motivation to combine is a general advantage of making information of one entity available to another entity for analysis. This advantage is not related to the claimed invention. It is not at all evident how this advantage provides any motivation to combine Day and Mikami in the manner stated. There is no suggestion of the desirability of the combination in the manner indicated by the Examiner to obviate the present invention. A general advantage does not supply a motivation to combine two significantly different pieces of art where there is no specific suggestion of the desirability of the combination in the manner claimed.

The courts have consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. See, e.g., In re Kotzab, 217 F.3d 1365, 1371 (Fed. Cir. 2000) ("Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed."). The motivation to combine must have some relationship to the combination in the claimed invention, and not be just some general benefit. In the present case, the Examiner's stated motivation to combine would not motivate one of ordinary skill in the art to combine the art in the manner claimed, since the claimed invention does not just concern the general concept of making execution data available. In this case, the combination according to the stated motivation would be a simple system that allows the user to decide when to enable execution data to another entity by setting the data enable. It is clear from the above discussion that such a

combination is not in the manner of the claimed invention. There is no motivation to make the combination as stated by the Examiner, and the stated motivation is not a valid motivation to combine the references since it does not combine the prior art teachings in the particular manner claimed.

The cited art singularly or in combination lacks the feature of conditional access to data as claimed by Applicants. Applicants believe the Examiner's stated basis for rejection is without support in Day. The Examiner has simply failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a) for claims 1 and 6. Applicants respectfully request the board to reverse the Examiner's rejection under U.S.C. §103(a).

Each of claims 2, 7, 11, 19-23, and 25-29 depend on claims 1, 6, 18 and 24 respectively, which are allowable for the reasons given above. As a result, these claims are also allowable as depending on an allowable independent claim. Applicants respectfully request the board to reverse the Examiner's rejection of claims 2, 7, 11, 19-23 and 25-29 under 35 U.S.C. §103(a).

Independent method claim 11 has a similar limitation as described above with reference to claim 1, which is allowable for the reasons given above. The Examiner has relied on the same references for the rejection of these claims as above. The Examiner's rejection for these claims suffers from the same deficiencies as described above with respect to claim 1 and incorporated here. As a result, claim 11 is also allowable for the same reasons stated above. Applicants respectfully request the board to reverse the Examiner's rejection of claim 11 under 35 U.S.C. §103(a).

Claims 3, 8, 21 and 27

Each of claims 3, 8, 21, and 27 depend on claims 1, 6, 18 and 24 respectively, which are allowable for the reasons given above. As a result, these claims are also

allowable as depending on an allowable independent claim. Further, these claims contain an additional claim limitation that is not taught or suggested by the cited art. For the claim limitation "the execution data comprises data collected by an operating system," the Examiner cited Mikami, col. 1 lines 64-67 and col. 2 lines 1-6. Applicants have not found anything in the cited section, or in Mikami in general to support the Examiner's rejection. The cited section of Mikami does not even discuss an operating system. The Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a). Applicants respectfully request the board to reverse the Examiner's rejection of claims 3, 8, 21, and 27 under 35 U.S.C. §103(a).

Claims 4, 9, 22 and 28

Each of claims 4, 9, 22, and 28 depend on claims 1, 6, 18 and 24 respectively, which are allowable for the reasons given above. As a result, these claims are also allowable as depending on an allowable independent claim. Further, these claims contain an additional claim limitation that is not taught or suggested by the cited art. For the claim limitation "the execution data comprises data collected by a software application," the Examiner cited Mikami, col. 2 lines 11-21. Applicants have not found anything in the cited section, or in Mikami in general to support the Examiner's rejection. The cited section of Mikami describes a client server system that has diagnostics for hardware and software. The cited section does not deal with execution data collected by a software application. Because the Examiner did not address the limitation of the software application recited in these claims, the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a). Applicants respectfully request the board to reverse the Examiner's rejection of claims 4, 9, 22, and 28 under 35 U.S.C. §103(a).

Claims 5, 10, 23 and 29

Each of claims 5, 10, 23, and 29 depend on claims 1, 6, 18 and 24 respectively, which are allowable for the reasons given above. As a result, these claims are also allowable as depending on an allowable independent claim. Further, these claims contain an additional claim limitation that is not taught or suggested by the cited art. For the claim limitation "the execution data comprises data collected by an analysis program," the Examiner cited Mikami, col. 2 lines 21-37. Applicants have not found anything in the cited section, or in Mikami in general to support the Examiner's rejection. The cited section of Mikami describes a client server system that has a state collecting means for collecting error information. The cited section does not deal with execution data collected by an analysis program. Because the Examiner did not address the limitation of the analysis program recited in these claims, the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a). Applicants respectfully request the board to reverse the Examiner's rejection of claims 5, 10, 23, and 29 under 35 U.S.C. §103(a).

Claim 12

Independent claim 12 has a similar limitation as described above with reference to claim 1, which is allowable for the reasons given above. The above arguments with respect to claim 1 are incorporated herein by reference. In addition, claim 12 includes an additional limitation. Claim 12 includes the limitation of the second computer transmitting at least a portion of the execution data to the first computer. The Examiner has relied on the same references for the rejection of this claim as for claim 1 above. The cited art does not teach or suggest for the second computer system to transmit at least a portion of the execution data to the first computer system. In Day, it is the first computer that reads data where access privileges are available. There is no teaching that the second computer transmits data to the first computer in combination with the other claim

limitations as discussed above. Applicants respectfully request the board to reverse the Examiner's rejection of claim 12 under 35 U.S.C. §103(a).

Claims 13 and 14

Independent claims 13 and 14 each have a similar limitation as described above with reference to claim 1, which is allowable for the reasons given above. The above arguments with respect to claim 1 are included here by reference. In addition, claims 13 and 14 include an additional limitation. These claims include the limitation of allowing the user access to a limited portion of the execution data, and if the user requests access to more than a limited portion of the execution data, and if the transmission of the execution data is enabled allowing access to the execution data by the user of the second computer. The Examiner has relied on the same references for the rejection of these claims as above. The cited art does not teach or suggest the user to be able to access a limited portion of execution data, and then be able to access the additional execution data depending on the enablement of the transmission of the execution data to the first computer system. Applicants respectfully request the board to reverse the Examiner's rejection of claims 13 and 14 under 35 U.S.C. §103(a).

Claim 15

Independent claim 15 has a similar limitation as described above with reference to claim 1, which is allowable for the reasons given above. This claim is directed to a method of doing business with a computer having a system where customer access to the execution data is disabled if the customer rejects the offer to have access to the data in exchange for the customer sharing the execution data. This feature is not taught or suggested in the cited art. The Examiner did not even attempt to show this feature in the context of a business method, and has therefore failed to establish a prima facie case of

obviousness for claim 15 under 35 U.S.C. §103(a). Applicants respectfully request the board to reverse the Examiner's rejection of claim 15 under 35 U.S.C. §103(a).

Claim 16

Claim 16 depends on claim 15, which is allowable for the reasons given above. As a result, claim 16 is also allowable as depending on an allowable independent claim. The above arguments with respect to claim 15 are included here by reference. In addition, claim 16 includes an additional limitation. Claim 16 includes the limitation of the customer computer sharing the execution data. The Examiner did not even attempt to show this feature. As a result, the examiner has failed to establish a prima facie case of obviousness for claim 16 under 35 U.S.C. §103(a). Applicants respectfully request the board to reverse the Examiner's rejection of claim 16 under 35 U.S.C. §103(a).

Claim 17

Claim 17 depends on claim 15, which is allowable for the reasons given above. As a result, claim 16 is also allowable as depending on an allowable independent claim. The above arguments with respect to claim 15 are included here by reference. In addition, claim 16 includes an additional limitation. Claim 16 includes the limitation of selling the customer computer to the customer. The Examiner did not even attempt to show this feature. As a result, the examiner has failed to establish a prima facie case of obviousness for claim 17 under 35 U.S.C. §103(a). Applicants respectfully request the board to reverse the Examiner's rejection of claim 17 under 35 U.S.C. §103(a).

CONCLUSION

Claims 1-29 are addressed in this Appeal. For the numerous reasons articulated above, applicants maintain that the rejections of claims 1-29 under 35 U.S.C. § 103(a) is erroneous.

Applicants respectfully submit that this Appeal Brief fully responds to, and successfully contravenes, every ground of rejection and respectfully requests that the final rejection be reversed and that all claims in the subject patent application be found allowable.

Respectfully submitted,

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CLAIMS APPENDIX

1. A computer system comprising:

at least one processor;

a memory coupled to the at least one processor;

an execution data collection mechanism residing in the memory and executed by the at least one processor, the execution data collection mechanism collecting execution data for the computer system;

an execution data transmission mechanism residing in the memory and executed by the at least one processor, the execution data transmission mechanism, when enabled, transmitting at least a portion of the execution data to another computer system coupled to the computer system via a network; and

an execution data access mechanism residing in the memory and executed by the at least one processor, the execution data access mechanism allowing access to the execution data by a user of the computer system only if the execution data transmission mechanism is enabled.

2. The computer system of claim 1 wherein the computer system comprises a customer computer system and the another computer system comprises a vendor computer system.

3. The computer system of claim 1 wherein the execution data comprises data collected by an operating system residing in the memory and executed by the at least one processor.

4. The computer system of claim 1 wherein the execution data comprises data collected by a software application residing in the memory and executed by the at least one processor.

5. The computer system of claim 1 wherein the execution data comprises data collected by an analysis program residing in the memory and executed by the at least one processor.

6. A networked computer system comprising:

(A) a first computer system;

(B) a second computer system coupled to the first computer system via a network, the second computer system comprising:

(B1) an execution data collection mechanism that collects execution data for the second computer system;

(B2) an execution data transmission mechanism that, when enabled, transmits at least a portion of the execution data to the first computer system; and

(B3) an execution data access mechanism that allows access to the execution data by a user of the second computer system only if the execution data transmission mechanism is enabled.

7. The networked computer system of claim 6 wherein the first computer system comprises a vendor computer system and the second computer system comprises a customer computer system.

8. The networked computer system of claim 6 wherein the execution data comprises data collected by an operating system.

9. The networked computer system of claim 6 wherein the execution data comprises data collected by a software application.

10. The networked computer system of claim 6 wherein the execution data comprises data collected by an analysis program.

11. A method for a user of a second computer system coupled via a network to a first computer system to access execution data collected by the second computer system, the method comprising the steps of:

(A) the second computer system collecting the execution data;

(B) the second computer system determining whether transmission of the execution data from the second computer system to the first computer system is enabled;

(C) if transmission of the execution data from the second computer system to the first computer system is enabled, allowing the user to access the execution data; and

(D) if transmission of the execution data from the second computer system to the first computer system is not enabled, not allowing the user to access the execution data.

12. A method for a first computer system to collect execution data from a second computer system coupled via a network to the first computer system, the method comprising the steps of:

(A) the second computer system collecting the execution data;

(B) the second computer system determining whether transmission of the execution data from the second computer system to the first computer system is enabled;

(C) if transmission of the execution data from the second computer system to the first computer system is enabled, allowing access to the execution data by a user of the second computer system;

(D) if transmission of the execution data from the second computer system to the first computer system is not enabled, not allowing access to the execution data by a user of the second computer system; and

(E) the second computer system transmitting at least a portion of the execution data to the first computer system.

13. A method for a user of a second computer system coupled via a network to a first computer system to access execution data collected by the second computer system, the method comprising the steps of:

(A) the second computer system collecting the execution data;

(B) the second computer system allowing the user to access a limited portion of the execution data;

(C) if the user requests to access more than the limited portion of the execution data:

(C1) the second computer system determining whether transmission of the execution data from the second computer system to the first computer system is enabled;

(C2) if transmission of the execution data from the second computer system to the first computer system is enabled, allowing the user to access the requested execution data; and

(C3) if transmission of the execution data from the second computer system to the first computer system is not enabled, not allowing the user to access the requested execution data.

14. A method for a first computer system to collect execution data from a second computer system coupled via a network to the first computer system, the method comprising the steps of:

(A) the second computer system collecting the execution data;

(B) the second computer system allowing the user to access a limited portion of the execution data;

(C) if the user requests to access more than the limited portion of the execution data:

(C1) the second computer system determining whether transmission of the execution data from the second computer system to the first computer system is enabled;

(C2) if transmission of the execution data from the second computer system to the first computer system is enabled, allowing access to the requested execution data by a user of the second computer system;

(C3) if transmission of the execution data from the second computer system to the first computer system is not enabled, not allowing access to the requested execution data by a user of the second computer system; and

(C4) the second computer system transmitting at least a portion of the execution data to the first computer system.

15. A method for doing business comprising the steps of:

(A) offering to a customer the ability to access execution data gathered by a customer computer system in exchange for the customer's sharing of the execution data;

(B) if the customer does not accept the offer in (A), disabling customer access to the execution data on the customer computer system;

(C) if the customer accepts the offer in (A), enabling customer access to the execution data on the customer computer system.

16. The method of claim 15 further comprising the step of:

(D) the customer computer system sharing the execution data.

17. The method of claim 15 further comprising the step of:

selling the customer computer system to the customer.

18. A program product comprising:

(A) an execution data collection mechanism that collects execution data for a first computer system;

(B) an execution data transmission mechanism that, when enabled, transmits at least a portion of the execution data to a second computer system;

(C) an execution data access mechanism that allows access to the execution data only if the execution data transmission mechanism is enabled; and

(D) computer-readable signal bearing media bearing (A), (B) and (C).

19. The program product of claim 18 wherein the signal bearing media comprises recordable media.

20. The program product of claim 18 wherein the signal bearing media comprises transmission media.

21. The program product of claim 18 wherein the execution data comprises data collected by an operating system.

22. The program product of claim 18 wherein the execution data comprises data collected by a software application.

23. The program product of claim 18 wherein the execution data comprises data collected by an analysis program.

24. A program product comprising:

(A) an operating system comprising:

(A1) an execution data collection mechanism that collects execution data for a first computer system;

(A2) an execution data transmission mechanism that, when enabled, transmits at least a portion of the execution data to a second computer system;

(A3) an execution data access mechanism that allows access to the execution data only if the execution data transmission mechanism is enabled; and

(B) computer-readable signal bearing media bearing the operating system.

25. The program product of claim 24 wherein the signal bearing media comprises recordable media.

26. The program product of claim 24 wherein the signal bearing media comprises transmission media.

27. The program product of claim 24 wherein the execution data comprises data collected by an operating system.

28. The program product of claim 24 wherein the execution data comprises data collected by a software application.

29. The program product of claim 24 wherein the execution data comprises data collected by an analysis program.